

REMARKS

Claims 1-50 remain pending in the present application. Claims 1-45 are allowed. Claims 46-50 are rejected.

Claim Rejections – 35 U.S.C. 101

The Examiner appears to have rejected claims 46-50 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter, as not being “tied to a specific machine nor do they transform underlying subject matter.” *See* Office Action, p.4.

Claim 46 has been amended. Applicants submit that claim 46, as amended, overcomes this rejection. Therefore, Applicants respectfully request that the rejection to claim 46, and its dependents (claims 47-50) be withdrawn.

Claim Rejections – 35 U.S.C. 102

The Examiner rejected claims 46-48 under 35 U.S.C. 102(e) as allegedly being anticipated by Adams, III (U.S. Patent No. 6,740,534). Applicants respectfully traverse this rejection.

Claim 46, directed to a method, recites performing a process step upon a workpiece using a processing tool, receiving tool state data relating to said process step, correlating said tool state data to said workpiece, and adjusting a metrology routing based upon said correlating said tool state data to said workpiece.

The Examiner’s rejection is improper at least because *Adams* fails to teach all the claimed features. For example, claim 46 recites “correlating said tool state data to said workpiece.” The Examiner refers to col. 5, ll. 16-22 of *Adams* as teaching this claim limitation. *See* Office Action p.3. However, the cited passage discloses that a fault detection unit correlates particular tool state data to errors detected on a processed semiconductor wafer. *See Adams*,

Col. 5, ll. 16-22. For example, “particular errors, such as critical dimension errors discovered on the processed semiconductor wafers may be correlated to particular gas flow rates or temperature data relating to tool state data.” See *Adams*, Col. 5, ll. 18-21. In other words, a relationship is sought between certain types of tool-related errors and certain types of wafer-related errors. The present claim, on the other hand, discloses that tool state data is correlated to a workpiece. Therefore, *Adams* does not teach the claimed feature of “correlating said tool state data to said workpiece.”

For at least these reasons, claim 46, and its dependents are allowable.

Allowable Subject Matter

Applicants acknowledge and appreciate that the Examiner has indicated that claims 1-45 contain allowable subject matter. Further, in light of the above-presented arguments, all remaining pending claims are also allowable.

In light of the arguments presented herein, all independent claims of the present invention are allowable and, therefore claims 1-50 of the present invention are allowable for at least the reasons cited herein.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, **the Examiner is requested to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

Date: June 30, 2010

By: /Jaison C. John/
Jaison C. John, Reg. No. 50,737
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4069
(713) 934-7011 (facsimile)
ATTORNEY FOR APPLICANT(S)